

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: F. JAMES LOPREST, JR.
Special Assistant United States Attorney
86 Chambers Street, 4th Floor
New York, New York 10007
Tel. No.: (212) 637-2728
(FJL:3210)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SALEEM JAVED and IRIS JAVED,

Plaintiffs,

- v. -

ALBERTO GONZALES, Attorney General
of the United States; MICHAEL CHERTOFF,
Department of Homeland Security Secretary; and
MARY ANN GANTNER, Director, Citizenship
and Immigration Services, New York City District;

Defendants.
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NOTICE OF CROSS-MOTION

06 Civ. 1682 (SAS)

ELECTRONICALLY FILED

PLEASE TAKE NOTICE that upon the complaint; the “motion for review” of plaintiffs Saleem Javed and Iris Javed (collectively, “plaintiffs”), and the memorandum of law accompanying this notice, defendants Alberto Gonzales, Attorney General of the United States; Michael Chertoff, United States Secretary of Homeland Security; and Mary Ann Gantner, District Director of the New York District office of United States Citizenship Immigration Services (“CIS”)¹ (collectively, “defendants” or “Government”), by their attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, will cross-move this Court before the Honorable Shira A.

¹Andrea Quarantillo has succeeded Mary Ann Gantner as the District Director of the CIS’s New York District and, therefore, her name should be substituted as a defendant, pursuant to Fed. R. Civ. P. 25(d)(1).

Scheindlin, United States District Judge, Daniel Patrick Moynihan United States Courthouse, Courtroom 23A, 500 Pearl Street, New York, New York 10007, on Friday, March 2, 2007, at 9:00 a.m., to dismiss the complaint for lack of subject matter jurisdiction and failure to state a claim upon which the Court may grant relief, pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure, and for such other relief as the Court may deem proper.

PLEASE TAKE FURTHER NOTICE that this motion is made on submission, that neither party should appear on the return date of the motion, and that oral argument will not be heard, unless so directed by the Court.

Dated: New York, New York
January 22, 2007

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for Defendants

By: /s/
F. JAMES LOPREST, JR.
Special Assistant United States Attorney
86 Chambers Street, 4th Floor
New York, New York 10007
Tel. No.: (212) 637-2728
(FJL:3210)

TO: ADAM PASKOFF, ESQ.
PASKOFF & TAMBLER, LLP
Attorneys for Plaintiffs
225 West 34th Street, Suite 1504
New York, NY 10122